

T. D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 11/2/03
TO: EXAMINER NGUYEN
FROM: A. KASHNIKOW
PARALEGAL SPECIALIST

APPL. S.N.: 09/723,124
ART UNIT: 3731

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 10/29/03

This is an informal, internal memo only. It must not be (1) mailed to applicant nor (2) placed of record in the application file. Please keep this memo attached to the application in order for the rejected T.D. to be reexamined by the paralegal specialist. THANK YOU.

The T.D. is **IMPROPER** and has not been accepted for the reason(s) checked below (see ¶ 14.24):

- ☐ The fee has not been recorded or there is no authorization in the application file for the use of a deposit account (see ¶ 14.26.07). **FORWARD CASE TO LEGAL INSTRUMENTS EXAMINER/PATENT ANALYST TO HAVE THE FEE CHARGED.**
- ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent (*i.e.*, 100% or in the whole) of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).
- ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a double patenting rejection, Rule 321(b) (see ¶ 14.27.01)
- ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be a terminal portion of the term of the entire patent to be granted." (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
- ☐ The person who signed the T.D.:
 - ☐ is not listed as an attorney "of record" (see ¶¶ 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28),
 - ☐ is not recognized as an officer of the assignee (see ¶¶ 14.29 & possibly 14.29.02).
- ☒ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
- ☐ The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
- ☐ The serial number of this application (or the number of the patent in the reexam or reissue case(s)) being disclaimed is missing or incorrect (see ¶¶ 14.26, 14.26.04 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.27.03).
- ☐ Other:
- ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.